NOTES

CLASS B

MYSORE GOVERNMENT SECRETARIAT

File No. AFD 147 DST 57

Department of Agriculture and Forest Dept

Section Forest

Subject: Lands - Kumara

Disposal of 10 Acres and 11 Gts. out of S.No 78 of Mayod Village in Hanur Taluka

References: Granted

Date	To whom sent	Notes and instructions
		FOR NOTE BOOK UNDER SECRETARY Under Secretary to Govt.
		Forest 16/5/57 30/9/61
		A 1/4/04
		ಎಸ್. ನಾರಾಯಣಸ್ವಾಮಿ ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ

3

U.O.B_3 112/57/En ref G Dated 18-9-1957 2

Retransmitted

A copy of letter No.22/57/1239 dated 19th August 1957 from the Conservator of Forests, Belgaum Circle is enclosed for favour of perusal. It can be seen from the sketches at page 13 of file II and page 371 of file I that the area of 31 guntas granted to the applicant on H.L. for garden cultivation has not at all been developed, but he has developed altogether a different area which falls in the strip area granted to him by the Revenue Department. Hence the question of disforestment of the area of 31 guntas originally granted to him for garden cultivation does not arise.

SECRETARY TO GOVERNMENT
No.....
18 SEP 1957
HOME, FOREST & AGRICULTURE

2. Regarding the disforestment of 9 acres 20 guntas of land out of 13 acres 20 guntas granted to the applicant for Betelnut cultivation it has to be stated that the question whether the lessees should be granted permanently after disforestment of the areas actually developed or the whole areas should be resumed is still under consideration of Government (please vide your letter No.AFD 165 DAR 57 dated 24-6-1957). Hence the disforestment of the area partly developed by the applicant can be considered only when the policy referred to above is decided by Government.

MYSORE GOVERNMENT SECRETARIAT
No. 9468
18 SEP 1957
ANIMAL HUSBANDARY & FOREST BRANCH

The U.O. file accompanies.

(K.KADAMBI)
Chief Conservator of Forests.

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

4) In the rough sketch prepared by the DPO K.D. Karwar in 1942 while lease the land in P.S. No. 78 for cultivation to Sri Shankar Hegade, it is seen that the P.S. 78 is just an adjacent S.No. to the S.Nos 43 and 44 (P. 13 of file No. II). But in the another sketch prepared by the same DPO on 28.6.4 there is a strip area which is reported to be under the control of the R.D. between the S.Nos 43, 44 and P.S. 78. (P 371). Therefore the above discrepancy may be verified by the DPO even by personally inspecting the S.Nos and the necessary clarification should be communicated to Govt. with an altogether a separate sketch showing

AF-D (4) DST 57

the exact position of F.S. No. 78 ~~and S.N.~~ 3 granted to Shri Hegde and S.N. 43, 44 and strip area, and also the area of land now cultivated by him in the strip area and F.S. No. 78.

3) The requisite information required by Govt. in connection with Govt. letter No. AF2D 165 DST 57, dated 26-6-57, should be furnished at an early date so that final orders will be issued early.

4) The enclosed ~~two~~ files are sent herewith for reference and return.

13/11/57

Chief Engineer & Ex-Officio

19/11/57

11/11/57

16/11

5 4

U.O.No. 33/57 Dated July, 1959.

AGRICULTURE & FOREST DEPARTMENT
No. 24
TAPAL SECTION
Date 18/
P. G. S.

Retransmitted:-

7. The exact position of the land granted to Sri Hegde is as shown in the sketch prepared by the Divisional Forest Officer, Kanara Western Division on 28-6-1947 and not as shown on the sketch at page 13 of file No. II. A fresh sketch showing the following particulars required by Government is enclosed.

8.

	Marked on the map.	Area.
		A. G.
i) Exact position of the land granted to Sri Hegde in 1942.	AWOD	0-31
ii) Land actually now cultivated.	ABCD	0-31
iii) Strip area granted S.Nos. 43 & 44 in Forest S.No. 78.	OPQRS	——

MYSORE GOVERNMENT SECRETARIAT
No. 6881
21 JUL 1959
147 DST ST
FOREST BRANCH

9. In this connection kind reference is also invited to Government letter No. AFD-68-DST-58 dated 26-11-1958 in which orders have already been passed by Government to maintain the statusque till the enactment of the New Tenancy Law.

10. The information called for by Government in their letter No. AFD-~~165~~ 165-DST-57 dated 24-6-1957 have been furnished under this office letter No. B3. 34-295/57 dated 2-12-1957 and Government in their letter No. AFD-165-DST-57 dated 6-1-1959 have intimated that orders in this matter would be issued after finalisation of the New Tenancy & Agricultural Lands Bill.

Chief Conservator of Forests

To the Secretary to Government,
Agriculture & Forest Department,
Bangalore.

6)

5/AFD 147 DST 59 (with 165 DST 59)

11) D 6881 dt 21-7-59 for perusal.

12) RD may kindly be requested to see the Belgaum Dt Comr's letter dt 30-6-59 at p. 99/g recommending to Govt to relax the ceiling on the economic holding ('A' of his letter) in this case, and ~~to enlighten this Dept if~~ it could be accepted.

14413
RD

advise whether there is any objection to accept the recommendation of the Dist Comr in the circumstances reported by him.

28/8.

DS

S.C. Pandh
29.9.59.

SAM
29/9/59

R.D

13) Pl see paras supra. The Dist: Comr's letter is at flag (G) It may be seen that an extent of 10A-11G of land in Sy. No 78 of Mangol Village, Hemmanur T.K. is proposed to be disafforested and given over to Smt. G.N. Hegde, who is reported to be cultivating this land on hangothi lease from 1937 and 1942 and has spent Rs. 7000/- in reclaiming the forest land.

KS
30/9

14413
9 SEP 1959

14) The case is now referred to R.D for considering whether this forest survey no. 78 of Mangol be removed from the forest list and given permanently to the present occupant.

Sub:- Lands: Kanara

Disforestment of 10 acres and 11 Gts out of S.No. 78 of Magod Village in Honnavar Taluka

6

1) Letter No. GB/F.O.R 621, dated 30-4-57 from the Div Commissioner, Belgaum requesting to accord approval for disforestment of an area of 10 Acs & 11 Gts of land out of F.S No. 78 of Magod for being granted to Shri G.N. Hegade. The papers have not come through the CCF B'lore, whose remarks are necessary for passing orders of Disforestment. Hence these papers may be sent to him u.o. for his remarks.

FC 1H7DST57

Yes
10/5
G.P.

~~U.O. to CCF B'lore~~

U.O 33 16/5 B3

2) Transmitted to the CC.F. w.o. for favour of kind remarks early

16/5

4/16/5

a/s

Serial No.

15 The difficulty in doing so is because the applicant owns Tari-4-00 Jirayat area 1-28, Gari land 10-28-0 Bagayat, 7-21-0 Tari, 1-15-8 Jirayat which exceeds the economic holding as per the ceiling limit imposed.

16 The Dist: Comnr: has given references of Bombay Govt orders which may be seen at flags Q & Z and has sought sanction of Govt. for relaxing the ceiling limit.

17 In view of Bombay Govt. resolution 3955/970 31, D/20-10-55, para 2 the proposal may perhaps be approved as a special case.

'Z'

Lr 165 This may be worked up with file no. R.D. 11 LGO 57 para 26.

11/9/59

11/9/59

18 The file R.D. 11 LGO 57 is placed below, Please see Para-26 & 27 of notes as also letter D/9-10-58 of R.D. A reply may issue on the below lines to the Dist: Comnr: Belgaum from A&7.D. If approved a copy of the letter D/9-X-58 will be transmitted to A&7.D with their file.

flag 'A'

23/9/5.

'A'

for taking similar action in other present case

23/9/59

19) 'A' may be approved

23/9/59

23/9/59

23/9

23/9

23/9

23/9

DEPUTY SECRETARY TO GOVT. No. 17695. 23 SEP 1959 REVENUE DEPARTMENT

Note.—Contn. Sheet

14413

8

Mysore Government Secretariat

A.D.T. File No. 147 D S T of 1959.

	Serial No.	
20 The file may pl be marked to A.D.T.D. and attention drawn to page-43 c/r. 24/9 24/9 A.D.T. 24/9	20	24.9.59
21 The Dl. Comr., Belgaum is ~~still to~~ attention will be drawn to Govt's (in the R.D.) decision which is already communicated to him by the m. p. 43/c/r.	21	24.9.59
22 If approved the draft gr at p. 45/c/r will be issued. M(F) may kindly see the same before this issue. 26/9. 3.x.59	22	1/10.
Minr:-(F&T) 8/10		
May be filed as 'B' 30/9/61 3/3/60		23/1 DS 1&S DS 1959 File AFD 252 DS 1959 taken for AFD 2 23/1/60.

OFFICE OF THE MINISTER FOR INDUSTRIES & TRANSPORT No. P. 1012 12 1959

Letter

To

The Secretary to Government,
Agriculture and Forests Department,
Mysore State, Bangalore.

No.S 105/IV/235 Karwar, 18-12-1956.

Subject: Lands: Kanara
Disforestment of an area of 14-11-0 out of F.S.No.78 of Magod village in Honavar taluka.

In submitting herewith two files pertaining to the disforestment of F.S.No.78A1A of Magod village in Honavar taluka, I have to state as under:-

2. In this case, two plots measuring in all 14-11-0 A.G. out of F.S.No.78 of Magod village in Honavar taluka as shown in the Agreement Forms at pages 143 of File I and at page 6 of File II were granted on hangami lease to one Shri Ganesh Narayan Hegde of Magod village in the years 1937 and 1942 for garden cultivation by the Forest Department. Since then, he is cultivating that land on hangami lease.

3. On receipt of Govt.Resolution, Agriculture and Forests Department No.F.D.M.1054 dated 7th March 1955, the Divisional Forest Officer, W.D., Kanara, submitted proposals for permanent grant of the area after disforestment as the land had been properly developed by the lessee (vide pages 279 of File I, 15 of File II). Accordingly, the Collector accorded sanction for grant of the area of 13-20-0 A.G. on disforestmon as shown in the hangami lease at page 143 of File I, in favour of the lessee under No. S 105/IV/235 dated 14-11-1956(vide page 281 of

P.T.

22 DEC 1956

File I). But, the Government of Bombay, under their A.& F.D.No.F.D.M.1055/108962-E dated 5th December 1955 directed that the principle of economic holdings should be applied while granting hangami lagans on permanent basis unless such application would result in substantial hardship being caused to the lessee in which case the matter should be referred to Government, for orders in view of para 16 of G.R.R.D.No.LND.3953-V-B dated 20th August, 1954.

4. During the course of revenue enquiry, it is reported that the grazing area of the village is quite adequate being 765-23-0 A. G. as against 432 heads of cattle(page 41 of file II) and that there is no demand from any backward class persons for grant of this land for cultivation(page 290 of File I). The applicant holds land as detailed below:(page 319 of File I).

	Khata land	Goni land
i.Perennially irrigated	--	--
ii.Bagayat	--	10-28-2
iii.Tari(paddy area)	4-0-0	7-21-0
iv.Jirayat area	1-28-0	1-15-8.

This area exceeds the limit of the economic holding prescribed in G.R.R.D.No.LND.3955/97031 dated 20th October 1955 read with Govt.Memorandum, R.D.No.LND 3955/130177-B dated 17-11-1955. The applicant is, therefore, not eligible for grant of any additional area.

5. The area now applied for by the applicant has been granted by the Forest Department on hangami lease as long back as in 1937(page 143

of File I) i.e. before receipt of Government orders regarding standard scale of economic holding. Moreover, the forest area to the extent of 9-20-0 A. G. out of the area of 13-20-0 granted in the year 1937,(page 143 of File I) has been already developed by the lessee after spending about Rs.5000/- and the whole area of 31 gunthas granted in the year 1942(page 6 of File II) has been developed by him after spending about Rs.2000/-. It is also reported by the Mamlatdar that if the applicant is deprived of the land at this stage, he will be put to substantial hardship.(In this connection, reference is invited to pages 319 and 320 of File I and 75 and 76 of File II i.e. Mamlatdar's detailed reports).

6. I agree with the Mamlatdar that if the hangami lagandar(applicant) is dispossessed of this land at this late stage, it will obviously result in substantial loss being caused to him as he has spent a considerable amount to the tune of Rs.7000/- in reclaiming the forest land. In the circumstances, this is a fit case for relaxing the condition regarding economic holding. Government may, therefore, please be moved to relax the condition regardin economic holding and to accord sanction for disforestment of the developed area of 10-11-0 A. G. out of both the plots in F.S.No.78A1A of Magod in Honavar taluka and to its grant in favour of the lessee, Shri Ganesh Narayan Hegde of Magod, subject to the following terms and conditions:

1.The tenure shall be new and impartible.

P.T.

2. The grantee shall pay the occupancy price to be fixed by the Prant Officer at the time of actual grant of the area.

3. The grantee shall pay the measurement expenses for forming a separate S.No. in respect of the area.

4. The grantee shall preserve the tree growth in the area till disposed of by the Forest Department.

5. The grantee shall reserve the public rights (foot path, water channel etc.) if any in the area.

6. The grantee shall not leave the land fallow for any 2 consecutive years except under special circumstances beyond the control of the grantee.

7. The grantee is not entitled for grant of strip surrounding this area.

8. The grantee should follow the soil conservation measures according to the instructions of the soil conservation staff;

9. The grantee should execute the Kabulayat in Form I(1) appended to the Land Revenue Rules with additional conditions mentioned above.

Breach of any of the conditions will result in cancellation of the grant at any time at the discretion of the Collector even without a notice to the grantee.

On receipt of Government orders, the area of four acres that has not been developed so far out of the area granted on hangami lease (vide page 146 of File II) will be resumed to Government.

o.c. signed
by Collr.

P.A.
for Collector of Kanara.

Submitted through the Divisional Commissioner,
Belgaum.

17/12

Below the case papers ending with the Collector of Kanara's No.S 105/IV/235 dated 18-12-1956.

****

No.GB/FOR -621
Belgaum, 28-2-1957.

Immediate.

Returned.

2. A combined map showing the exact location of the two plots, proposed for disforestment should please be prepared and enclosed. It should also be made clear whether the two plots in question, form one combined plot measuring 10-11 As.Gs. or there is any distance between the said two plots. In case, there is any distance between the two plots, so as to form two independent S.Nos., it should be stated whether there is forest growth between the two plots

3. The Collector's order No.S 105/IV-235 dated 14-11-1956, according sanction for the grant of 13-20 As.Gs. of land out of the F.S.No.78, in the name of the applicant etc. also appears to be illegal as the Collector cannot grant forest land permanently in anticipation of disafforestation without the orders of Government(vide Article 329(b) of the Bombay Forest Manual). The case is also not covered by the G.R., A.& F.D. No.FDM-1054 dated 7-3-1955 quoted in the Collector's order as it is not an encroachment. It should also be stated why the orders contained in Government Circular, Agriculture and Forest Department No.8150, dated 5-12-52 were not followed before passing this order.

4. A copy of all the Government references quoted in his letter No.S 105/IV/235 dated 18-12-1956, to Government, should please be enclosed in duplicate.

5. The case papers in two files accompany.

Sd/- x x
for Divisional Commissioner,
Belgaum.

****

P.T.O.

No.S 105/IV/235
Karwar, 20-3-1957

14

Copy of the Commissioner's endorsement together with the papers forwarded to the Mamlatdar of Honavar for immediate report on the points raised in para 2 of the Commissioner's foregoing endorsement.

2. A combined map showing the exact location of the 2 plots --plot one measuring an area of 13-20-0 as shown in the hangami lease at page 143 of File I and another plot measuring an area of 31 gunthas as shown in the hangami lease at page 6 of file II, should be prepared and enclosed in duplicate. It should also be made clear whether the developed area of 9-20-0 acres out of area 13-20-0 in file I and the area of 0-31-0 (G.) out of the area of 31 gunthas in file II form one combined plot measuring 10-11-0 (A. G.) or whether there is any distance between the two plots. All these should be shown in distinct colours in the sketches giving detailed clear notes therein, in English.

3. In case there is any distance between the 2 plots, so as to form two independent S.Nos., it should be stated whether there is forest growth between the two plots and if so, a list of such trees should be enclosed.

for Collector of Kanara.

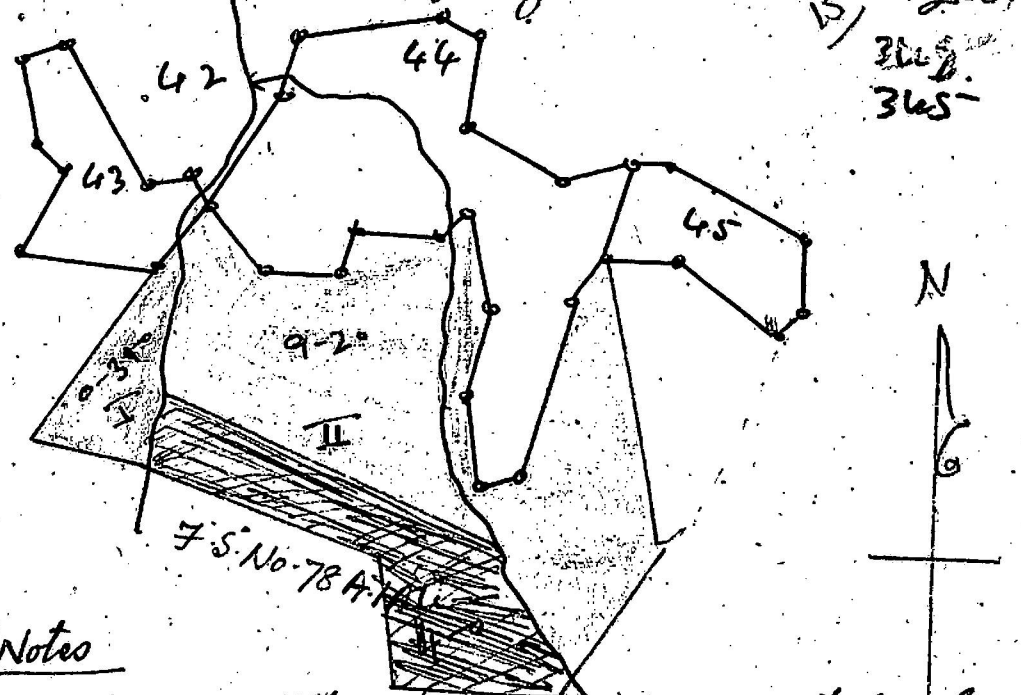
20/3

Amitide

Co to comply

(1985)

Sketch of S.No 78 A1A of Magod.



Notes

I The area of 31 gunthas granted on lease

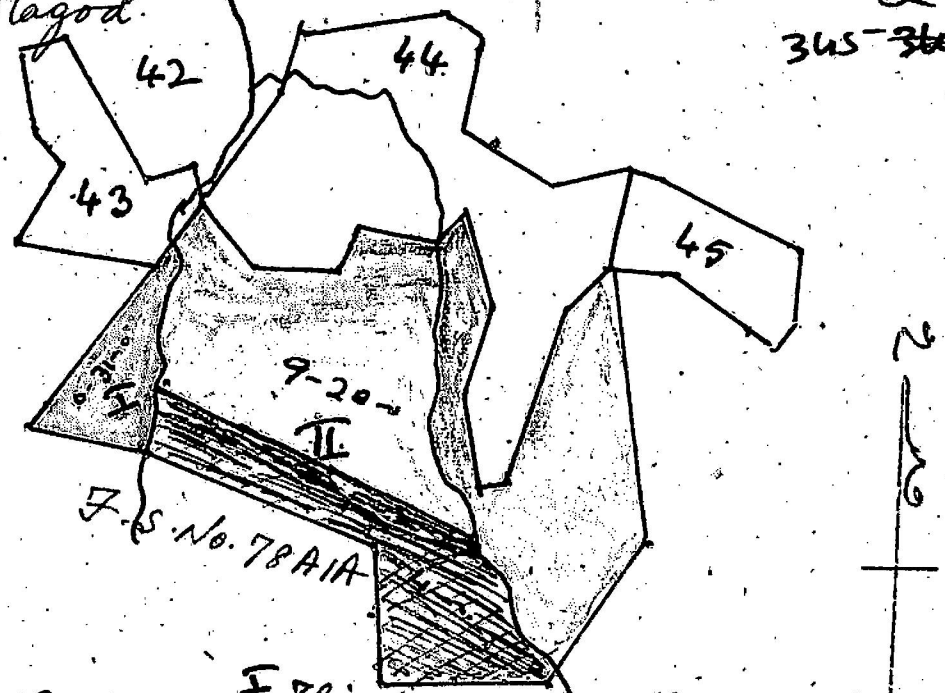
II This area of 9-20 acres out of 13-20 is brought under cultivation.

This area remains fallow as it is khuski

31-5 13-20

Sketch of S. No. 78 A1A. of Magod.

Case - [illegible] 16
[illegible] No.
345-~~349~~



[illegible] 0-31-0 I This area of 31 guntheas granted on [illegible] lease and brought under cultivation

9-20- II This area of 9-20-0 acres out of 13-20-0 is brought under cultivation

[illegible] This area of [illegible] remains fallow as it is kuliki

[illegible] 13-20-0 [illegible]

[signature]

Below the Collector of Kanara No. S 103/11/235 dated 20/3/1957.

174

347

No. TRR 9668,

Honavar, 27/3/1957.

ದಾ.ಅ. ನಿ|೩|ಮಾರ್ಕ್ ಇವರ ಬಳಿಗೆ ರವಾನಿ.

೩.ಕ್ರ ನ ಹಿಸ್ಸೆ ಮೀಜಿನ ಮೂಡಿಬಳಿ ಕೆಳದು ಹೆಕ್ಟರು ಮೀಜಿನ ಪೈಕಿ 0-31-ಗುಂಟೆ ಮತ್ತು 13-20-ಗುಂಟೆ ಈ ಎರಡೂ ಪ್ಲಾಟುಗಳು ಅಡಕೆತೋಟದ ಹೊಂದಿ ಆಯಿತೆ ಇಲ್ಲವೆ? ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಈ ಎರಡು ಪ್ಲಾಟುಗಳ ನಡುವೆ ಎತ್ತು ಅಂತರವಿದೆ. ಇವೆರಡೂ ಪ್ಲಾಟುಗಳು ಹಾಡಿ ಪೀಠಾಲಿ ವೆ.ನಾ. ದಲ್ಲಿ ಯಾ ಬೆಳ್ಳಿಬೆಳೆ ಎರಡು ಮೀಜಿನ ವೆ.ನಂ. ದಲ್ಲಿ. ಈ ಎರಡೂ ಪ್ಲಾಟುಗಳ ನಡುವೆ ಮೀಜಿನ ಜಾಗದು ಸದ ಎರಗಳು ಆಯಿತೆ? ಹಾಗೂ ಈ ಎರಡೂ ಪ್ಲಾಟುಗಳ ನಡುವೆ ಅಜಾಬಾನಿ ಎತ್ತು ಪೈಕಿ ಎದೆ ಅಂತರ ಬಗ್ಗೆ ಈ ಎರಡೂ ಪ್ಲಾಟುಗಳನ್ನು ಮೂಲಾನಿ ಆಕ್ಷೇಪಣೆಯಾದಲ್ಲಿ ನಾಲ್ಕು ದಾಖಲೆಗಳನ್ನು ಅರ್ಜಿದಾರರು ಎನ್ನ ಇಲ್ಲ ವಿವರಗಳನ್ನು ಆ ಬೆಳ್ಳಿದ್ದ ಅಯಾಯಿಸಿಕೊಳ್ಳಿ.

27/3/57

No. 465

Mamlatdar, Honavar.

8-ಗಂಟೆಗೆ 2-4-1957.

18

ಎರಡನೆಯ ಪ್ರಶ್ನೆಯ ಉತ್ತರವು
ಇರಲಿಕ್ಕೆ ಎರಡನೆಯ ಪ್ರಶ್ನೆ
ಸಂಬಂಧ ಶ್ರೀ. ಸಾಯಿಬಣ್ಣ A/A ಸೇರಿಕೆ ಇರುತ್ತದೆ.
ಕ್ಷಮಿಸಿ ಮತ್ತು ಸಂ 4 ಗೆ ಸಂಬಂಧ
ಕಾಗದಪತ್ರಗಳನ್ನು ಕೊಡಿ.

2-MAR 1957

(2284)

No 465

ಎಂ ಮಂಡಲಿ

Below the C.J. Mankis report No. 485,0
dated 2-4-1957. 348 ~~355~~

—x—

No. TR-9668,
Honavar, 8/4/1957.

Resubmitted to the Collector of Kanara, Karwar.

2. A combined map showing the exact location of the two plots — plot one measuring the area of 31 gunthas and the plot No. 2 measuring the area of 13-20-0 has been got prepared in triplicate and enclosed among the case papers. The plot No. I measuring the area of 31 gunthas is shown in red colour in the Sketch. The area of 9-20-0 out of plot No. II brought under cultivation is shown in blue colour; and the remaining area of 4-00 kept fallow in the S.No. is shown in red ink. The developed area of 9-20-0 acres out of area 13-20-0 acres in file No. I and the area of 31 gunthas in file No. II form one combined plot measuring 10-A-11-G-0 as shown in the Sketch. There is no forest growth in between these two plots.

3. It is stated that the lessee had erected a compound wall along the boundary of 13-20-0 acres.

The case papers in two files accompany.

COLLECTOR'S OFFICE
KANARA.
File No. 1201
Date of Receipt 15 APR 1957

8/4
Mamlatdar, Honavar.

20/15

Below Honavar Mamlatdar's endorsement No. 351 TR 9668 dated 8-4-1957.

******

351 No.S 105/IV/235
Karwar, 19-4-1957.
20

By Regd Post

Submitted to the Divisional Commissioner, Belgaum, with reference to his endorsement No. G.B./FOR-621 dated 28-2-1957.

2. A combined map showing the exact location of the two plots:- Plot I measuring an area of 0-31-0 gunthas and the plot II measuring an area of 9-20-0 proposed for disforestment, is enclosed at page 345 of File I. The two plots in question form one single plot measuring an area of 10-11-0 A. G. (page 345 of File I).

3. As regards para 3 of his endorsement dated 28-2-1957, it may be stated that this office order No.S 105/IV-235 dated 14-11-1955 is not a permanent grant of the area mentioned therein but only an anticipatory sanction for the permanent grant in favour of the person, after the land is disforested. According to the orders contained in Government Resolution, Agriculture and Forests Department No.FDM.1054 of 7-3-1955(copy enclosed), the Government of Bombay have directed that Hangami lagans in Kanara District should be granted on permanent basis in accordance with the rules and policies laid down in the G.R.R.D.No.LND.3953-V-B dated the 20th August 1954, and the present order is in pursuance of these instructions. Prior to the creation of the Divisional Commissioner's post, cases of this type were being submitted to Government in view of the orders contained in Govt.Circular, Agriculture and Forests

p.t.o.

Department No.8150 of 5-12-1952. But, Government returned such cases inviting the Collector's attention to the Government Resolution, A.& F.D. No.FDM.1054 dated 7-3-1955(copy enclosed) under which the Collector is competent to make permanent grants of lands to the hangami lessees and thereafter to submit to Government necessary draft notifications for disforestation of the land(A copy of one of such Government letter is enclosed for perusal).

4. In accordance with these instructions of the Bombay Government, the Collector was passing the orders of grants and thereafter submitting the draft notifications for disforestment of the lands to Government for publication. The Bombay Government used to publish the notifications in all cases.

5. The Government of Bombay in Agriculture and Forests Department have issued two Government Resolutions bearing the same number FDM.1054 dated 7-3-1955 --one for "disposal of lands taken on hangami lagan" and the other for "Regularisation of encroachments on forest lands". This case is covered by Govt.Resolution, A.& F.D.No.FDM 1054 dated 7-3-1955(regarding disposal of land given on hangami lagan)-- copy enclosed.

6. Copies of the following Government references are enclosed in duplicate as directed.

1.G.R.,A.& F.D.No.FDM.1054 dated 7-3-1955.

2.G.L.,A.& F.D.No.FDM.1055/108962-E dated 5-12-1955.

3.G.R.R.D.No.LND. 3955/97031 dated 20-10-1955.

4.G.M.R.D.No.LND. 3955/130177-B dated 17-11-1955.

353

22 353

7. The case papers in two files accompany.

Collector of Kanara.

19/4

22 APR 1957

23 — 17/355

Copy of Govt.of Bombay, Agriculture and Forests Department letter No.FLD. 1254/32612-E dated 17th May 1955 addressed to the Collector of Kanara.

******

Reference your letter No.S.105/VI-78, dated the 16th August 1954, regarding disforestation of land out of Forest Survey No.268 of Balikop village in Siddapur taluka.

Your attention is invited to Government Resolution, No.FDM.1054, dated the 7th March, 1955, (regarding disposal of land given on Hangami Lagan) and you are requested to take necessary action in this case in the light of those orders and submit to Government necessary draft notification for disforestation of the land, if this is considered necessary.

******

Lands : Kanara
Disposal of -- taken on Hangami Lagan.

Government of Bombay,
Agriculture and Forests Department.
Resolution No.FDM. 1054.
Bombay Castle, 7th March, 1955.

Read: Demi Official letter No.O/A/1843, dated the 3rd December 1954, from the Collector of Kanara.

Resolution : Government is pleased to direct that Hangami Lagans in the Kanara District which are not encroachments should be granted on a permanent basis in accordance with rules and policies laid down in the Govt. Resolution, Revenue Department No.LND. 3953-V-B, dated the 20th August, 1954, regarding grant of Government lands for cultivation, excepting where the land has not been properly brought under cultivation in spite of sufficient period having lapsed. In these latter cases, the Hangami Lagans should be terminated and the land resumed immediately. Where the land has been properly developed, the permanent grant should be made by the Collector after getting the land disforested. The Collector and the Divisional Forest Officer should jointly take a decision whether the land has been properly developed or not by the lessee. In cases where the Collector and the Divisional Forest Officer are of opinion that the land should be resumed because it has not been properly developed, the Divisional Forest Officer as the sanctioning authority of the Hangami Lagans should take steps to terminate the lease and resume the land.

By order and in the name of the Governor of Bombay,

V.V.Masurekar.
Assistant Secretary to Government.

To

x x x x x

The Collector of Kanara, who should give publicity to these orders.

x x x x

Copy of Govt. of Bombay, Agriculture and Forests Department letter No.FDM 1055/108962-E dated 5th December ~~1955~~ 1955-2 addressed to the Collector of Kanara.

****

Reference your letter No.O/C 1506 dated the 22nd August, 1955, regarding disposal of forest lands in Kanara District.

The following orders are issued on the points raised in your letter under reference.

Grants of Hangami lands on permanent basis:

Paragraph 12 of Government Resolution, Revenue Department, No.LND.3953-V-B, dated the 20th August, 1954, governs permanent disposal of land when the lessee is not eligible for such grants in accordance with the orders contained in the Government Resolution. One of the conditions required to be satisfied for such grant is that the original grant was bonafide and unobjectionable. However, in individual cases where this condition is not satisfied, if the Collector finds that undue hardship will be caused to the existing lessee by depriving him of the land, such cases should be submitted for orders to Govt. through the Director of Backward Class Welfare (paragraph 12(iv)). Hence wherever he feels that undue hardship will be caused to the existing lessee of Hangami lagan lands by depriving him of the land the Collector of Kanara can approach Government for orders through the Director, Backward Class Welfare. It does not, therefore, appear necessary to modify the existing orders so far as permanent grants of Hangami lands are concerned.

Disposal of fragments: Your presumption that the disposal of fragments is to be governed by paragraph 4(6) of Government Resolution, Revenue Department No.366/33-XI, dated the 10th March, 1947, is not correct. These lands would fall in the category(ii) of paragraph 4(A) of Government

p.t.o.

Resolution, No.3953-V-B, dated the 28th August, 1954. Their disposal will, therefore, be governed by paragraph 4(C) of this Government Resolution. The fragments may be disposed of to the adjoining holder and whether the adjoining holder has an economic holding or not, need not be considered (vide paragraph 9(a) of Government Resolution, Revenue Department No.3953-V-B, dated the 20th August, 1954, as amended by Government Resolution, No.LND.3955/97031, dated the 20th October, 1955). However, paragraph 12 of the above-mentioned Government Resolution would also apply and the Collector can refer cases to Government in which he finds that undue hardship will be caused to the existing lessee by depriving him of the land.

Economic Holdings: The principle of economic holding enunciated in the Government Resolution, Revenue Department No.LND 3953-V-B, dated the 20th August, 1954, as amended by Government Resolution, Revenue Department No.LND 3955/97031, dated the 20th October, 1955, should be applied invariably while granting Hangami lagans on permanent basis or allotting blank areas with gentle slopes in minor forests for fruit cultivation, unless such application would result in substantial hardship being caused to the lessee in which case the matter should be referred to Government for orders(vide paragraph 16 of the above mentioned Government Resolution).

****

Lands :
Disposal of Government waste.

GOVERNMENT OF BOMBAY.
Revenue Department.
Resolution No.LND. 3955/97031.
Sachivalaya, Bombay, 20th October 1955.

RESOLUTION OF GOVERNMENT.

Government is pleased to direct that the following paragraph should be substituted for paragraph 9 of Government Resolution No.LND.3953-V-B dated 20th August 1954:-

"9. (a) No grant of land, either permanently or temporarily, should be made which would bring the holding of a person in excess of the economic holding except in cases where the land is to be granted to the holders of adjoining lands under paragraph 3(ii) and 4(C) of this Resolution.

(b) For the purposes of this Resolution, an economic holding should be as prescribed in the Bombay Tenancy and Agricultural Land(Amendment) Bill of 1955 (Legislative Assembly Bill No.XXXIV of 1955); viz:-

(a) 16 acres of jirayat land, or

(b) 8 acres of seasonally irrigated land or paddy or rice land, or

(c) 4 acres of perennially irrigated land.

Explanation:- Where the land held by a person consists of two or more of the kinds of lands specified above, the area of economic holding shall be determined on the basis that one acre or perennially irrigated land is equal to two acres of seasonally irrigated or paddy or rice land or four acres of jirayat land."

2. The following sentence occurring in paragraph 12(v) of the said Government Resolution should be deleted:-

"However, if the lessee has carried out permanent improvements of substantial value, the land may be

p.t.o.

granted to him even if it is more than an economic holding."

By order and in the name of the Governor of Bombay,

P.N.AMBEGAOKAR,

Assistant Secretary to Government.

To

All Collectors,

x x x x

29/27/363

Copy of Government Revenue Department Memorandum No.LND.3955/130177-B dated 17th November 1955.

******

363

Subject: Lands: Poona
Disposal of Government waste ..

The undersigned presents compliments to the Collector of Poona, and, with reference to his letter No.RB.WS.IV/1806/55, dated 3rd November 1955, on the above subject, is directed to state that the sizes of economic holdings prescribed in Govt. Resolution No.LND.3955/97031 dated 20th October 1955, are irrespective of the number of members of a person's family i.e. no person should be granted Govt. land if he is already holding other land equal to an economic holding now prescribed.

****

Copy forwarded for information and guidance to all other Collectors.

****

AFD 3534 & 3535
30 7-5-57

Subject:-- Lands: Kanara:
Disforestment of 10 acres and 11 gunthas out of F.S.No.78 of Magad village in Honavar taluka.

.....

No.GB/F.O.R.621.
Belgaum, 30.4.1957.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Sir,

The correspondence(in two files) resting with the Collector of Kanara, Karwar's endorsement No.S.105/IV/235, of 20.4.1957 is sent herewith for the orders of Government.

2. I agree with the Collector and recommend that Government may kindly be moved to accord approval for disforestment of an area of 10 acres and 11 gunthas of land out of F.S.No.78 of Magod village in Honavar taluka of North Kanara district for being granted to Shri G.N.Hegde, on permanent basis, since he has brought the said area under cultivation. Since the proposed grant of land to Shri Hegde exceeds the limit of economic holding prescribed by the Government of Bombay, under their Resolution, R.D.No.L.N.D. 3955/97031, dated 20.10.55 read with Government Memo. R.D. No.L.N.D.3955/130177-B of 17.11.1955(copy enclosed), Government may also kindly be moved to relax the condition regarding the economic holding as it is reported that the applicant has spent an amount of Rs. 7000/- in reclaiming the said forest land. The applicant is cultivating the land since 1942 on hangami lagan. The Government of Bombay under their resolution R.D.No.FDM.1054, dated 7.3.1955(copy enclosed) have directed that lands leased out on hangami lagan, in Kanara district and which have been brought under cultivation, are to be granted on permanent basis in accordance with the rules and policies laid down in the G.R.R.D.No.L 3953-V.B. dated 20.8.54 read with the instructions contained in paragraph 2 of the G.R.R.D.No.LND.3955/97031 of 20.1 in the matter of grant of Government waste lands on

on permanent basis for cultivation relaxing the condition of economic holding.

3. On receipt of approval of Government for the proposed grant of land, the Collector will be asked to send the requisite draft notification to Government as required by section 27 of the Indian Forest Act, 1927.

SECRETARY TO GOVERNMENT
No.
7 MAY 1957
REVENUE & AGRICULTURE

Yours faithfully,

Cover absent from H. Qr.

for Divisional Commissioner, Belgaum.

asm.

32 ~~36~~ 31

Letter No.B3-U.O. 33/57 of 24.5.57 from the Chief Conservator of Forests in Mysore, Bangalore to the Conservator of Forests, Belgaum Circle.

Subject: Disforestment of 10 acres and 11 gunthas out of F.S.No.78 of Magod village in Honavar Taluka Kanara District.

I forward herewith two files received in U.O.No.AFD-147-DST-57 dated 11.5.57 from Government on the above subject for remarks and retransmission early.

No.22/57/ 2783 of 1957-58.
Belgaum, May, 1957.
1-6

REGISTERED.
Immediate.

Copy together with the case papers in two files forwarded to the D.F.O.,Kanara W.D.,Karwar for remarks.

2. It is seen from the sketches at pages 277 and 345 that the area leased out by this Department and the area proposed for disforestment by the Revenue Department are not one and the same. The D.F.O.should therefore submit a sketch (in triplicate) of the area leased out and the area actually cultivated by the applicant.

(N.S.Kaikini)
Conservator of Forests,
Belgaum Circle.

Rcd. 30.
GKC. 30.

C/628 5-6-1957

Rec 5 JUN 1957

Belgaum Conservator of Forests Belgaum Circle.
Belgaum's No. 22/57/2703 of 1-6-1957.

33/369

33

.....

Subject:- Disforestment of 10 Gunthas area and 11 gunthas out of F.S.No. 78 of Kaned Village in Honavar Taluk Kanara Dist.

No. C/464 of 1957-58,
Karwar, 28-6-1957.

Resubmitted:

2/- A sketch of the area leased out and the area actually developed by the lessee is submitted herewith in triplicate. The applicant has also developed the strip which was granted to him in 1951 to Malki S.Nos. 41,42,43,& 44.

3/- In view of the leased investment made by the applicant in bringing the forest areas held on H.L., there is no objection to grant the H.L. areas to him on permanent basis.

Divisional Forest Officer,
Kanara Western, Karwar.

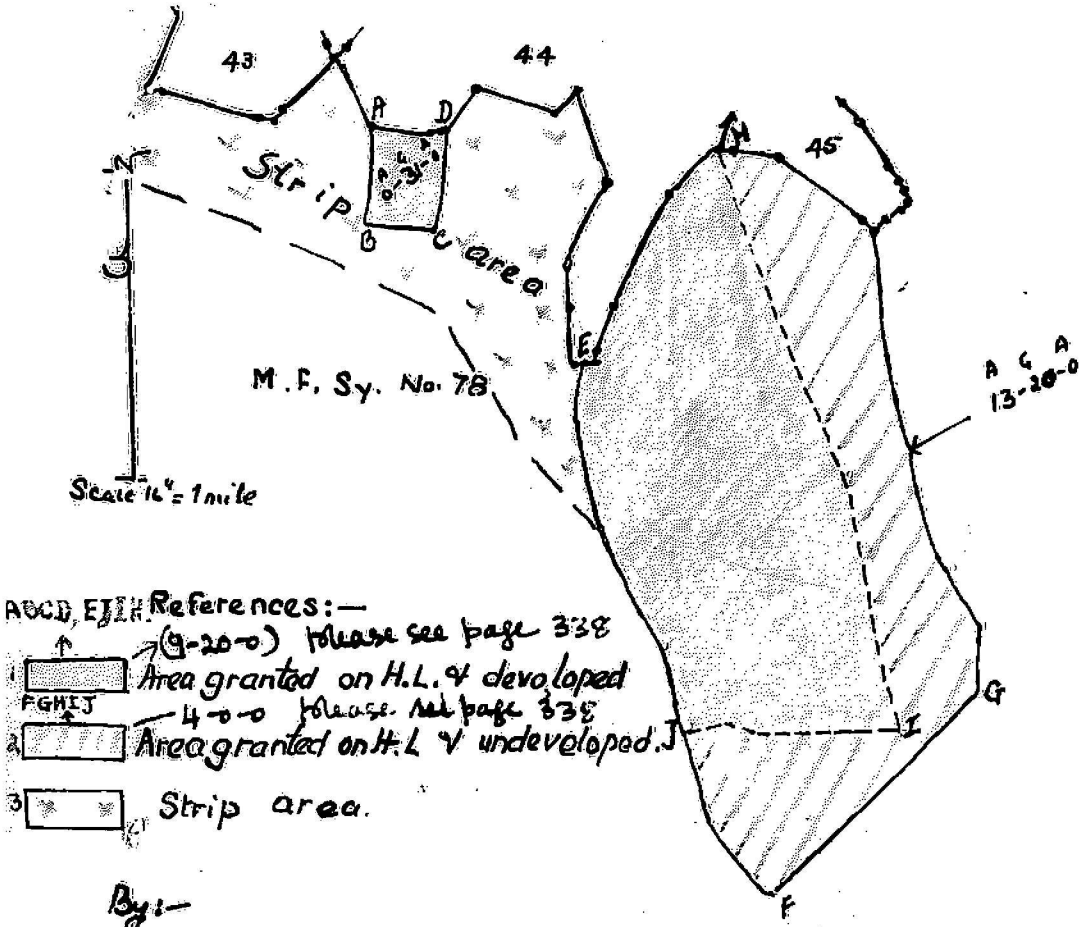
SGS. 26.

1 JUL 1957

Conservator of Forests,
Belgaum Circle,
Inward No. C/6095
Date 1-7-57

Sketch of area of Village Magod, Taluka Honav

37 35 34



By:—
Surveyor L.R.O. Karwar.

Divisional Forest Officer,
Kanara Western, Karwar.

35/3 3.73

Below No.C/464 of 28.6.57 from the Divisional Forest Officer, Kanara Western, Karwar.

Subject: Disforestment of 10 acres and 11 gunthas out of F.S.No.78 of Magod village in Honavar Taluka Kanara District.

No.22/57/ 5369 of 1957-58.
Belgaum, 9th July, 1957.

Returned.

2. The sketch of the area of 31 Gunthas leased out to the applicant, forwarded by the D.F.O.in the past which is at page 13 differs from the sketch now submitted by him. The reasons therefor should please be explained.

3. It should also be reported whether the applicant has developed the strip area with proper permission.

12 Jan 1957

DIVISIONAL FOREST OFFICER
INWARD No. C/969
Date 12-7-1957
Rcd. KARWAR.
GKC. 8.

(N.S.Kaikini)
Conservator of Forests,
Belgaum Circle.

Below Conservator of Forests, B.C's No. 22/57/5359 of 9-7-1957.

Subject:- Disforestment of 10 ~~gunthas~~ acres and 11 gunthas out of F.S.No.78 of Megod village in Honavar Taluka, Kanara District.

No. C/ 585 of 1957-58,
Karwar, 17- July, 1957.

Resubmitted.

2. An area of 31 gunthas was granted originally on H.L. as per sketch 13, but the lessee has cultivated the area as per sketch now submitted, and this area falls in the strip area which has been developed by the lessee.

Last page

3. The strip of 100 yards was granted under P.O.S.D. Kanara's No. TRC 1860 of 17-11-1957. As per clause XII-d the strip mp grantee was to be allowed to undertake cultivation except on slopes, and provided that steps are taken to prevent soil erosion. It is not known whether the applicant developed the strip with proper permission or not.

L of G.R. Ad.F.D. No. 3907 97-12-50

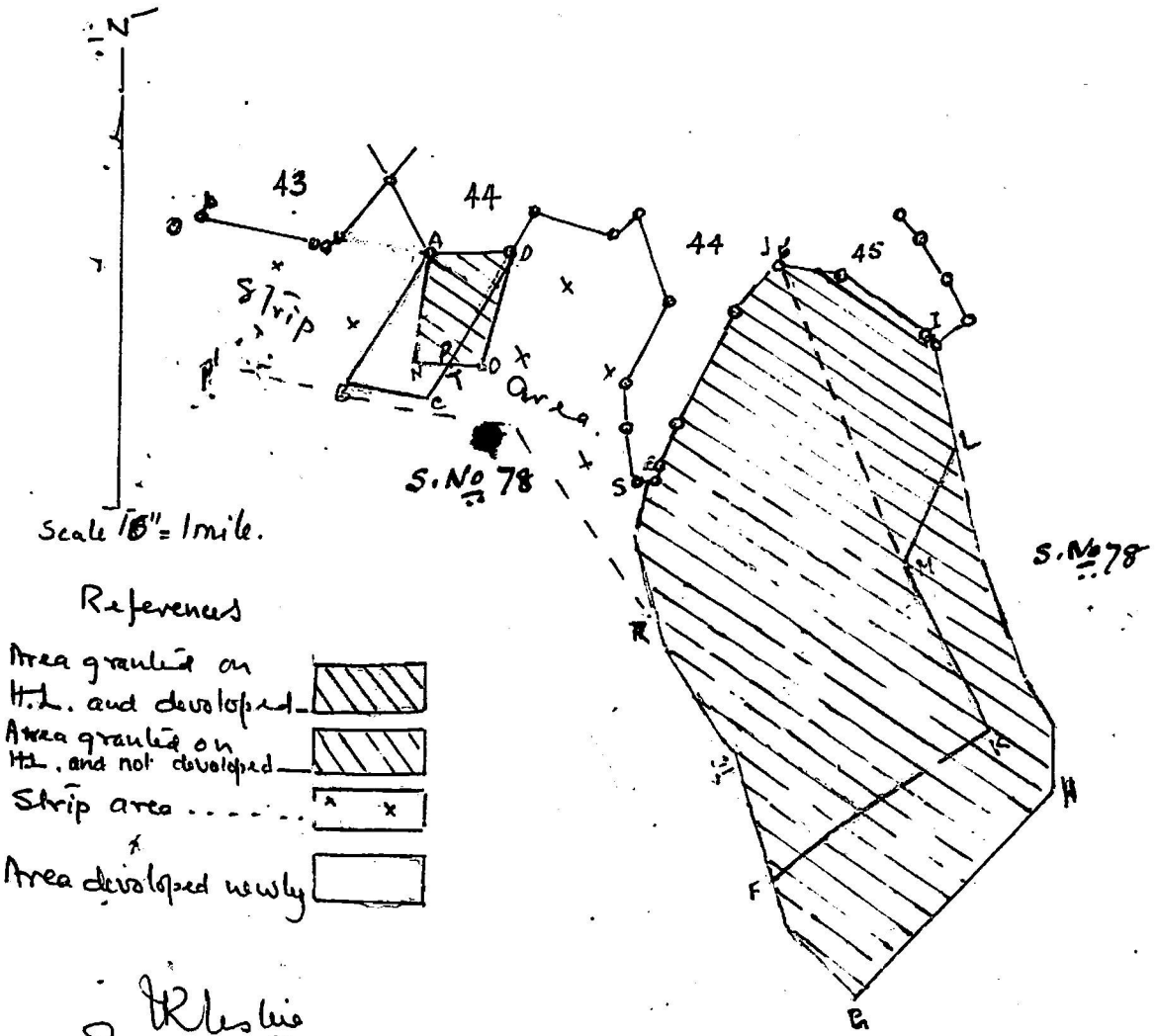
(G.R.Mavinkurve.)
Divisional Forest Officer,
Kanara Western, Karwar.

19 JUL 1957

SGS.16.

Conservator of Forests
Belgaum Circle,
Inward No. 9.7.481
Dt. 19-7-57

Sketch showing the area granted in Sy. No. 78
Village Magod, Taluk Honawar



Surveyor
W.D. Kanara.

Divisional Forest Officer,
Kanara Western, Karwar.

43
38

GOVERNMENT OF MYSORE

Mysore Government Secretariat
Vidhana Soudha,

No.RD 11 LGO 57.

Bangalore, Dated 9-10-1958.

From
The Secretary to the Government of Mysore,
Revenue Department, Bangalore.

To

The Divisional Commissioner,
Belgaum Division, Belgaum.

Sir,

Subject:- Lands: Kanara, S.No.65A of Yellapur
Request for permanent grant of.
--

Ref:- 1) This office letter of even No.dated 7-3-58.

2) Petition dated 4-6-1958 from Sri. B.A. Yellapur addressed to Chief Minister.
--

In continuation of this office letter referred to above on the subject, I am directed to state that on further consideration of the case it is ordered that the lease be continued till the enactment of the new Tenancy Law as there is a change of the extent fixed for economic holding becoming more than 16 acres, if income basis is adopted.

By order

sd/-
Under Secy.toGovernment,
Revenue Department.

/Copy/

M. G. S. App. F VI—G. 2]

39

SUBJECT: Leads: Karara: Disforestment of 10 acres and 11 gunthas out of F.S. No. 78 of Magod village in Hoonavar taluka

Diary No. of letter replied to.....

Mysore Government Secretariat

( )
the 195 .

Date of issue.....195 .

Signed by.....

May this be—
(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

* please type on copy p. 43/4.

Section

Serial No.

File No. AFD 147 DST 57

Proceedings of the Government of Mysore

The Dt Comr., Belgaum.

Read—

Sir,

Ref:— your letter no. GB/FOR-SR. 621 dt 30-4-57

With to the above, I am directed to invite your attention to Govt letter No. RD 11 LGO 57 (Copy enclosed) dt 9-10-58, issued by the R.D and to state that the lease of the new Tenancy Law as there is a chance ~~take action accordingly~~

2 The two files received with your above letter are returned herewith which may be acknowledged.

Yours

Dy S

26/9.

ARJ

Lease continued till the enactment of the extent fixed for economic holding becomes more than 16 acres, if in case basis is adopted.

40

AFD 147 DST 57. dt 15-10-59

The
Agriculture & Forest Department.

The Divisional Commissioner,
Belgaum.

Sir,

Sub:- Lands: Kanara Disforestment of 10 acres and 11 guntas out of F.S.No.78 of Magod village in Honavar Taluka.

Ref:- Your letter No.GB/FOR.SR-621 dt.30-4-59.

.....

With reference to the above, I am directed to invite your attention to Government letter No.RD 11 LGO 57 dt.9-10-58*(copy enclosed) issued by the Revenue Department and to state that the lease be continued till the enactment of the new Tenance Law as there is a chance of the extent fixed for economic holding becoming more than 16 acres, if ~~in case~~ income basis is adopted.

The two files received with your above letter are returned herewith the receipt of which may be acknowledged.

Yours faithfully,

(T.Siddalingadevaru)
Under Secretary to Government,
Agriculture & Forest Department.

Issued with the files
15/10/59 ---- 14/10

*Copy of letter.

Sub:- Lands: Kanara, S.No.65A of Yellapur
Request for permanent grant of.

Ref:- 1) This office letter of even No.dt. 7-3-58.
2) Petition dt.4-6-1958 from Sri B.A. Yellapur addressed to Chief Minister.

....

In continuation of this office letter referred to above on the subject, I am directed to state that on further consideration of the case it is ordered that the lease be continued till the enactment of the new Tenancy Law as there is a chance of the extent fixed for economic holding becoming more than 16 acres, if income basis is adopted.

14/10

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DV/14.10.